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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,155	12/26/2001	Mark Lelental	83302D-W	3978

7590

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EXAMINER

SCHILLING, RICHARD L

ART UNIT

PAPER NUMBER

1752

DATE MAILED: 03/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/036155

Applicant(s)

Lelental et al

Examiner

RL Schilling

Group Art Unit

1752

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 2-10-03
- ☒ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-14, 19-48 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-14, 19-48 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The ~~proposed~~ ^{formal} drawing correction, filed on 2-10-03 is ☒ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

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1. Claims 1-14 and 19-28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Jonas et al. '515 and Krafft et al. '981 further in view of Majumdar et al. '655 for the same reasons as set forth in paragraph 5 of the last Office action filed October 7, 2001. Applicants' argument that there is no motivation to combine Jonas et al. and Krafft et al. is unconvincing since Jonas et al. (column 2, lines 44-47) specifically discloses using polymeric binders as set forth in Krafft et al. as binders in their conductive coatings comprising polythiophenes and conductivity enhancers as set forth in the instant claims. Also, both Jonas et al. and Krafft et al. are directed to conductive layers comprising polythiophenes as conductive polymers and polymeric binders. It would be obvious to one skilled in the art to use the polymeric binders of Krafft for the polymeric binders in Jonas et al. since both references use polymeric binders for conductive layers containing the same conductive polymers. Also, as stated in the first Office action, it would be obvious to one skilled in the art to use the particular gelatin derivative binders for polythiophene conductive polymers disclosed in Majumdar et al. as the generically for water soluble binders for polythiophene conductive polymers set forth in the combination of Krafft et al. and Jonas et al. The instant claims include gelatin derivative binders which would include the gelatin derivative binders for

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conductive polymer particles disclosed in Majumdar et al. The comparative Examples in applicant's specification report results in Table I wherein the neutral charge conductivity enhancers increase the conductivity of layers comprising polythiophene and gelatin. However, the compounds used in the working Examples to increase conductivity are known in the art from Jonas et al. as increasing conductivity in polythiophene conductive layers. Therefore, the results reported in the specification for adding conductivity enhancers to polythiophene layers and getting increased conductivity would be expected by one skilled in the art from Jonas et al. Also, since jonas et al. teaches adding conductivity enhancers to polythiophene conductive layers which may comprise binders, including water soluble binders as set forth in Krafft et al., it would be obvious to one skilled in the art to add the conductivity enhancers of Jonas et al. (Formula II) to the conductive layers in Majumdar et al. in order to increase conductivity of the conductive layers in Majumdar et al. The comparisons in the specification do not show unexpected results using gelatin binders since other water soluble binders, e.g. polyvinyl alcohol as disclosed in Krafft et al., are not used for comparisons.

2. Claim 8 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant

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regards as the invention. Amended claim 8 contains a period in the middle of the claim. Also the term "(C) is selected from" in claim 8 is indefinite. It appears that claim 8 should read "compound or (C) selected from . . .".

3. Anderson et al. is cited of interest in the art as disclosing antistatic layers comprising polythiophene in water soluble polymeric binders.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a). The practice of automatically extending the shortened statutory period an additional month upon the filing of a timely first response to a final rejection has been discontinued by the Office. See 1021 TMOG 35.

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

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5. Any inquiry concerning this communication should be directed to Mr. Schilling at telephone number (703) 308-4403.

RLSchilling:cdc

February 27, 2003

RICHARD L. SCHILLING
PRIMARY EXAMINER
GROUP 1400-1752

A handwritten signature in black ink, appearing to be 'RLS', written over the typed name and group number.